

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENNIS MITCHELL, :  
Petitioner, :  
v. : CIVIL ACTION  
DAVID PITKINS, et al., : NO. 10-294  
Respondents. :  
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**ORDER**

AND NOW, this 30th day of April, 2010, upon careful and independent consideration of the petition for a Writ of Habeas Corpus, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells (*Doc. No. 7*), to which no objections have been filed, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED and ADOPTED**;
2. The petition for Writ of Habeas Corpus is **DENIED** without an evidentiary hearing;
3. There is no basis to issue a certificate of appealability; and
4. The Clerk of Court shall **CLOSE** this case for statistical purposes.

**IT IS SO ORDERED.**

*/s/ Paul S. Diamond*

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**Paul S. Diamond, J.**